

**HAPPISBURGH – PF/22/2510 - Access track to Lighthouse Lane to serve existing public car park and new car park to allow for rollback of existing car park; ancillary works for Happisburgh Parish Council**

**Major Development**

**Target Date: 7<sup>th</sup> March 2023**

**Extension of time: 27<sup>th</sup> July 2023 (TBC)**

**Case Officer: Mr Joseph Barrow**

**Full Planning Permission**

**RELEVANT SITE CONSTRAINTS:**

Agricultural Land Classification: Grade 1

Countryside

Undeveloped Coast Constraint Area

Coastal Erosion Risk Areas:

Coastal Erosion Risk Area - 100 years

Coastal Erosion Risk Area - 50 years

**RELEVANT PLANNING HISTORY:**

**RV/22/0821:** Variation of condition 2 (approved plans) of planning permission PF/11/0169 (Change of use of land from agricultural/amenity land to public car park/amenity land and construction of beach access ramp) to retain dropped kerb - Approved

**PF/12/1354:** Change of use of land from agricultural to playing field - Approved

**PF/11/0169:** Change of use of land from agricultural/amenity land to public car park/amenity land and construction of beach access ramp - Approved

**COND/15/0515:** Discharge of condition 3 (landscaping) of planning permission PF/12/1354 – Details approved

**THE APPLICATION**

This application proposes development that would take place in two phases:

- The first would be the creation of a new access road to the existing Beach Road Car Park from Lighthouse Lane, to an access point on the west side of the car park.
- The second phase would be the provision, and subsequent use, of new car parking spaces on current agricultural land to the west of the existing car park.

The proposed road would be sited to the south east of the site, running west-east, with the spaces provided to the north of that road. The spaces would be provided in three blocks of 18 spaces with an access road between them, and one block comprising 15 spaces (6 of which would be for disabled persons cars), as well as the provision of five powered two wheeler bays. All of this built form would be formed of 'grasscrete'.

The site is approximately 1.3 hectares in area, and is used for agricultural purposes. The site is bound by dwellings (and initially, their gardens) to the north, Lighthouse Lane with the village

of Happisburgh beyond to the west, further agricultural land and the grade II listed Happisburgh Lighthouse to the south, and the existing car park and Happisburgh beach to the east. Other than the screening of the existing residential development to the north and west, the site is open in its appearance

**REASONS FOR REFERRAL TO COMMITTEE:**

At the request of the Director for Place and Climate Change given the public interest

**PARISH/TOWN COUNCIL:**

**Happisburgh Parish Council** – No comments submitted as they are the applicants.

**CONSULTATIONS:**

**Coastal Partnership East: Support** the application as it is predicted the current access at the end of Beach Road would erode away before the car park itself, so the creation of the new access road and roll back car park would secure future use of the area.

**Lead Local Flood Authority (Norfolk County Council):** Standing advice issued.

**Natural England:** No objection.

**North Norfolk District Council Business Development Officer:** No objection.

**North Norfolk District Council Conservation and Design Officer:** No objection, less than substantial harm caused to the setting of the grade II listed Lighthouse and cottages by way of the encroachment of the parking area and access road moving closer.

**North Norfolk District Council Landscape Officer (Ecology):** No objection subject to conditions securing the ecological mitigation and enhancement measures recommended within the submitted Ecological Report.

**North Norfolk District Council Landscape Officer (Landscape):** No objection subject to a condition securing a mixed native species hedgerow to the south boundary of the site for visual screening purposes.

**Norfolk County Council Highway Officer:** objection

- Believed to be an intensification of use and traffic generation due to the change from agricultural land.
- Visibility is unacceptable at the following junctions:
  - Lighthouse Lane / Beach Road
  - Beach Road / Whimpwell Street
  - Lighthouse Lane / Whimpwell Street
- The section of Lighthouse Lane between the proposed access and Beach Road fails to provide safe refuge for pedestrians, and the prevalence of parked cars for the nearby dwellings restricts adequate passing facilities.
- The southern section of Lighthouse Lane is too narrow with insufficient passing place provision.

- The proposed location of the new access would necessitate increased use of Lighthouse Lane, which, in many ways, is considered to be of a worse standard of highway safety than Beach Road.
- *“In summary, the LHA remain of the opinion that this location cannot be considered as suitable for development as it would significantly increase the likelihood of vehicles meeting, leading to cars reversing and manoeuvring not only in Lighthouse Lane itself but also at visibility restricted junctions i.e Whimpwell Street/Beach Road; Lighthouse Lane/Beach Road; and Lighthouse Lane with Whimpwell Street.”*

## REPRESENTATIONS

25 received, and one petition of 95 signatures, with **objections** on the following grounds:

- Insufficient width and capacity of Lighthouse Lane.
- Possibility of crime/unwanted overnight parking/camping.
- Amenity disturbance for residential properties, mostly caused by an increase in traffic on Lighthouse Lane.
- Negative impact upon pedestrian safety in the area.

3 representations in **support** also received.

## HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

## CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

## LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

## RELEVANT POLICIES:

### North Norfolk Local Development Framework Core Strategy (September 2008):

SS 1 – Spatial Strategy for North Norfolk

SS 2 – Development in the Countryside

SS 5 – Economy

EN 2 – Protection and Enhancement of Landscape and Settlement Character

EN 3 – Undeveloped Coast

EN 4 – Design

EN 8 – Protecting and Enhancing the Historic Environment

EN 11 – Coastal Erosion  
EN 12 – Relocation and Replacement of Development Affected by Coastal Erosion Risk  
EC 6 – Public Car Parking Provision  
CT 5 – Transport Impact of New Development  
CT 6 – Parking Provision

Material Considerations

**North Norfolk Design Guide Supplementary Planning Document (2008)**  
**North Norfolk Landscape Character Assessment SPD (2021)**

**National Planning Policy Framework (2021):**

Chapter 2 – Achieving Sustainable Development  
Chapter 6 – Building a Strong, Competitive Economy  
Chapter 9 – Promoting Sustainable Transport  
Chapter 12 – Achieving Well Designed Places  
Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change  
Chapter 16 – Conserving and Enhancing the Historic Environment

**OFFICER ASSESSMENT:**

**MAIN ISSUES FOR CONSIDERATION:**

- 1. Principle and Coastal Erosion**
- 2. Design and Landscape Impacts**
- 3. Residential Amenity**
- 4. Highway Safety**
- 5. Heritage**
- 6. Ecology**

**1. Principle and coastal erosion**

In considering issues of principle, Officers also consider it necessary to have regard to matters of coastal erosion given their relationship to this application.

This application is submitted due to the impact that coastal erosion is having upon the coastline, and community, of Happisburgh. Beach Road's loss to erosion is well-documented, and the 100 year coastal erosion risk area demonstrates a further predicted 158m of erosion further along Beach Road.

Critically, the alignment of the coast, and the dominant erosion pattern, means that the access into the existing car park from Beach Road is likely to be one of the next areas to be rendered unsafe, which would prohibit use of the car park.

The proposal therefore seeks to secure the future of the existing car park, as well as providing future spaces for when the existing car park becomes unsafe due to threat of erosion.

In policy terms the site is located within countryside, however the car park serves the coastal service village of Happisburgh to which it is adjacent. Policy SS2 of the Core Strategy states

that proposals for *'community services and facilities meeting a proven local need'* and *'recreation and tourism'* are acceptable in countryside locations.

It is also a site that is located within the Undeveloped Coast constraint area, where policy EN 3 is therefore applicable. This policy states *"community facilities, commercial, business and residential development that is considered important to the well-being of the coastal community will be permitted where it replaces that which is threatened by coastal erosion."*

Policy EN12 is also applicable. This allows for the relocation of community facilities, commercial and business uses that are considered important to the well-being of a coastal community affected by coastal erosion, where the following criteria are met:

- the development replaces that which is affected (or threatened) by erosion within 50 years of the date of the proposal;
- the new development is beyond the Coastal Erosion Constraint Area shown on the Proposals Map and is in a location that is well related to the coastal community from which it was displaced;
- the site of the development / use it replaces is either cleared and the site rendered safe and managed for the benefit of the local environment, or put to a temporary use that is beneficial to the well-being of the local community, as appropriate; and
- taken overall (considering both the new development and that which is being replaced) the proposal should result in no detrimental impact upon the landscape, townscape or biodiversity of the area, having regard to any special designations.

With regards to these criteria, Officers recognise that the existing development is very much under threat within a timescale much shorter than 50 years. The proposed new parking spaces are sited outside of the constraint area, whilst still being accessible from, and well-related to, the community of Happisburgh. The provision of the access road to the existing car park also secures the future use of that facility for as long as is safe.

It is considered that the third criterion could be complied with through the attachment of planning conditions to any permission granted necessitating the removal/relocation of structures when required. It is also the case that the development proposed accords with the last criterion as there would be no detrimental impact upon the landscape, townscape or biodiversity of the area, having regard to any special designations.

Finally, Policy SS 5 states that development should *"promote and enhance long distance walking and cycling routes and heritage trails."* The car park provides an access point onto the Norfolk Coast Path, with the Deep History Coast trail also accessible, as well as the Time and Tide Bell (once installed) on the beach itself.

Having regard to Core Strategy Policies SS 1, SS 2, SS 5, EN 3, EN 11 and EN 12 it is considered that this proposal is acceptable in principle, and in terms of coastal erosion risk. To be acceptable overall however it must also comply with all other relevant development plan policies unless material consideration indicate otherwise.

## **2. Design and Landscape Impacts**

The site is agricultural land bound by residential development to two sides, the car park which it will support to the east, and existing agricultural land surrounding the landmark of Happisburgh Lighthouse to the south.

The development proposed includes the creation of a single carriageway road to the south of the site, from the east side of Lighthouse Lane, along the southern boundary of the site, before connecting to the existing car park to the north of the existing toilet facilities. A footpath is detailed to the north of this road to enable pedestrians to access the beach.

The surface proposed to be used is 'grasscrete' throughout, which is beneficial both visually, and in terms of surface water drainage. The site will also be bound to the north and west by a substantial ecological and landscape buffer comprised of hedgerow as per Section 6.9 of the submitted ecological report. A mixed native hedgerow with trees every 10m will be planted to the south of the road, to provide a natural visual screen to the open south side of the site.

Taking account of this, the proposal is considered to be acceptable in terms of design and landscape impact, having regard to Core Strategy Policies EN 2, EN 3 and EN 4 and Chapter 12 of the NPPF (2021).

## **3. Residential Amenity**

Amenity is a concern raised in many of the representations received from local residents, with main concerns relating to an increase in traffic using Lighthouse Lane and disturbing those residents.

Firstly, it is not considered that the development would be harmful in terms of visual dominance, overshadowing, or privacy in terms of the location of the spaces and the new access road itself. The distances between the land to be developed and residential properties are sufficient to avoid these concerns, with the landscaping buffers and visual screen further reducing disturbance from the proposed car park location.

With regard to houses along Beach Road after the junction with Lighthouse Lane, it is considered that the proposal would have a beneficial effect in terms of disturbance and privacy. The provision of the new access road, and the closing of the existing car park access point, would divert traffic away from Beach Road, where currently cars accessing the car park pass close to principle elevations of dwellings, and often use residential driveways as passing places. The proposed car park and access road is much further away than Beach Road from these properties, with gardens, an existing hedgerow screen, and the proposed landscaping measures between them as well. This would therefore reduce the noise and privacy disturbance when compared with the existing arrangement.

With regard to dwellings on Lighthouse Lane situated to the south of the proposed access, it is acknowledged that this proposal would increase the number of cars passing these properties, and their accesses. It may also be likely that an absence of passing places would require the use of driveways, resulting in some amenity impact in terms of noise and privacy, albeit Officers consider this would not result in significant adverse effects.

The existing signage on the highway network directs beach traffic to the Whimpwell Street / Beach Road junction, and it would be understood that this signage would remain. Officers recognise it may be difficult to quantify the likely increase (if any) in traffic using the southern section of Lighthouse Lane. It is however, considered reasonable to conclude that any amenity disturbance in this location should not exceed that which currently impacts dwellings on Beach Road given there is no increase in parking spaces proposed.

It is acknowledged that dwellings between the new access from Lighthouse Lane and the Lighthouse Lane / Beach Road junction would likely be exposed to a greater level of amenity disturbance. This number of affected dwellings is less than those currently between that junction and the access point to the car park from Beach Road.

In considering the overall impact of the development in this respect, it is likely that it would have a comparable impact on the level of residential amenity in the immediate area, having regard to the different properties which may be affected, as well as visual and audio screening proposed as part of the scheme.

Subject to conditions, it is not considered that this proposal would have a greater negative impact on the area as a whole in terms of amenity disturbance. Consequently, it is considered to be acceptable in terms of these impacts and in accordance with Core Strategy Policy EN 4 and Chapter 12 of the NPPF (2021).

#### **4. Highway Safety**

Core Strategy Policy CT 5 sets out that:

‘Development will be designed to reduce the need to travel and to maximise the use of sustainable forms of transport appropriate to its particular location. Development proposals will be considered against the following criteria:

- the proposal provides for safe and convenient access on foot, cycle, public and private transport addressing the needs of all, including those with a disability;
- the proposal is capable of being served by safe access to the highway network without detriment to the amenity or character of the locality;
- outside designated settlement boundaries the proposal does not involve direct access on to a Principal Route, unless the type of development requires a Principal Route
- the expected nature and volume of traffic generated by the proposal could be accommodated by the existing road network without detriment to the amenity or character of the surrounding area or highway safety; and
- if the proposal would have significant transport implications, it is accompanied by a transport assessment, the coverage and detail of which reflects the scale of development and the extent of the transport implications, and also, for non-residential schemes, a travel plan’.

Paragraph 111 of the NPPF (2021) states that *‘Development should only be prevented or*

*refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The Highway Authority have been consulted on the application as first submitted and following amendments to it. In summary they continue to object on highway safety grounds with the main concerns relating to the increased use of road junctions with substandard visibility and roads with limited width and lack of formal passing places.

Whilst the Highway Authority's position is noted, Officers recognise that this application seeks replacement of an existing car parking facility which is soon to be lost due to coastal erosion. The new car park layout proposed would not provide any more spaces than was originally permitted for the existing car which it will eventually replace. The 2012 permission for the car park allowed for a maximum of 76 spaces, with this proposed layout now detailing 74 spaces total (inclusive of 6 disability accessible spaces and 5 powered two wheeler spaces. Without a suitable replacement car parking facility, visitors to the area and others wishing to access the nearby coastal footpath(s) may well choose to park on-street where there are currently no parking restrictions in place. The Committee will therefore need to weigh up the highway impact of this proposal having regard to the benefits/dis-benefits of the proposed replacement facility as compared to the potential scenario where the car park is not replaced. The Highway Authority's stance does not appear to have recognised the potential highway safety impacts resulting from the loss of an existing car park facility.

With regards to the road standards that highway users would need to access to reach the car park, it is understood that current signage within the village, namely that on Whimpwell Street directing beach traffic down Beach Road, would not change (notwithstanding any provision of signage to direct people down Lighthouse Lane). For those that would use this access route, the length of Beach Road between Whimpwell Street and the junction with Lighthouse Lane would remain the same, with traffic now proposed to turn right down Lighthouse Lane rather than continuing along Beach Road as it does currently.

The distance along Beach Road to the current car park access point is approximately 268m, compared with a distance of approximately 118m along Lighthouse Lane to the access point of the proposed car park. It is considered that the quality of these roads, provision of passing places (or lack of), and speeds, would likely be similar, with the current route (Beach Road) often demanding the use of private driveways for passing places.

Officers accept that the proposal could result in additional vehicle movements along the southern section of Lighthouse Lane. The part of Lighthouse Lane to the south of the proposed car park access, through to the Whimpwell Street junction, is undoubtedly substandard, with insufficient passing place provision, and at a distance of approximately 478m to that junction, increased use would be undesirable. The applicant has indicated that the access to the car park '...could be designed with a much-reduced bell mouth or no bell mouth on the southern side of the access track to make southbound movements difficult. These measures would discourage the use of Lighthouse Lane to the south...'. Officers would welcome these measures together with appropriate signage to ensure traffic is directed to use the most appropriate routes.

Having regard to the advice of the Highway Authority, it is recognised that this development



may encourage and result in use of parts of the road network that currently are unlikely to be used to the same level. It is consequently the case that the application could have some negative impact on highway safety, which would be contrary to Core Strategy Policy CT 5.

Whilst it is ultimately a matter of planning judgment, having regard to the existing car parking arrangements, Officers are not persuaded that the impact on highway safety would be so severe as to justify refusal in this case, especially in light of Paragraph 111 of the NPPF (2021) which provides a material consideration to determine this application contrary to the advice of the Highway Authority.

## **5. Heritage**

The proposal involves encroachment of the car park into land which currently forms part of the agricultural area surrounding the grade II listed Happisburgh Lighthouse and its cottages. The setting of these designated heritage assets is important, with the Lighthouse an important landmark and attraction within this part of North Norfolk.

The surrounding area being largely undeveloped contributes positively to the setting and significance of these heritage assets. The proposed development would still maintain a separation distance of approximately 150m, and with no additional above ground structures, the main visual impact of the scheme would come from parked cars.

Following consultation with the Council's Conservation and Design Officer it is considered that the impact upon the setting and significance of the heritage assets would be towards the lower end of the 'less than substantial' spectrum for NPPF purposes'.

In cases where the harm would be less than substantial paragraph 202 of the NPPF (2021) requires that this is weighed against the public benefits that would be provided by the proposed development. In this case Officers consider that there are ecological benefits along with the retention of a parking facility serving the local community and the area's tourism offering which attract considerable positive weight. On that basis it is considered that the proposal is acceptable in terms of Core Strategy Policy EN 8.

## **6. Ecology**

The application has been submitted with an ecological survey inclusive of a 'Shadow Habitats Regulations Assessment' (HRA), survey work, and suggested enhancements. The Council's Landscape Officer (ecology) agrees with the findings of the Shadow HRA and proposes that the application can be screened out at Stage 1.

The proposal includes precautionary mitigation, as well as enhancement measures. Both of which are deemed appropriate and suitable for the development proposed. It is therefore considered that, subject to conditions securing these enhancements, the proposal is acceptable in terms of ecological impact, and complies with Core Strategy Policy EN 9 and Chapter 16 of the NPPF (2021).

## **Other considerations**

Loss of grade 1 agricultural land – land designated as such is the best and most versatile for agricultural purposes. In this case given the public benefits associated with the proposed development referred to above, including ecological enhancements and maintaining public parking provision, it is considered that the loss of what is a modest area of grade 1 agricultural land is, on balance, acceptable.

### **Planning Balance and Conclusion**

The proposed development would cause less than substantial harm to the grade II listed lighthouse and cottages. There are also concerns in terms of highway safety.

Paragraph 111 of the NPPF (2021) states that *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*

Paragraph 202 of the NPPF (2021) states that *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’*

It is also the case that this proposal brings forward ecological enhancements, as well as community-wide benefits in terms of resistance and adaptation to coastal erosion constraints as well as tourism through beach and footpath access.

Whilst it is ultimately a matter of planning judgment, having regard to the existing car parking arrangements, Officers are not persuaded that the impact on highway safety would be so severe as to justify refusal in this case, especially in light of Paragraph 111 of the NPPF (2021) which provides a material consideration to determine this application contrary to the advice of the Highway Authority.

It is also considered that the scheme brings forward a significant number of identified public benefits which outweigh the less than substantial harm to the heritage asset.

### **RECOMMENDATION:**

**APPROVAL subject to conditions to cover the matters listed below (and any others subsequently considered necessary by the Assistant Director – Planning)::**

1. Time Limit
2. Approved plans (including design of bell-mouth to car park)
3. Surface materials
4. Compliance with the drainage strategy
5. Use prohibition for the new parking space until such a time as they are necessary
6. Closure of the existing access point as soon as the new access is in use
7. Number of spaces not to exceed 74 as per the plan at any time
8. Car park opening hours with access gate to be closed when car park is not in use

9. Prohibition of overnight camping
10. Implementation of ecological mitigation and enhancement measures
11. Provision of a mixed species native hedgerow with trees every 10m to the southern boundary of the site
12. External lighting
13. Any other highway conditions

**Final wording of conditions to be delegated to the Assistant Director – Planning**